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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,824	10/19/2004	Ian Harley	GB920020037US1	8854

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EXAMINER

MENEZES, MARCUS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,824

Applicant(s)

HARLEY, IAN

Examiner

Marcus Menezes

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action has been based on the original specification, drawings, abstract, and claims corresponding to the International application filed 10/19/2004. The copy of annexes (i.e., substitute specification, amended claims, four drawing sheets, and abstract) to the IPER have not been entered, as indicated in the Notice of DO/EO Acceptance Mailed 4/18/2005.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - a. Claims 1-8, drawn to a cable gripping device, comprising an elongated housing configured to form a cable loop, classified in class 24, subclass 136R.
 - b. Claims 9-11, drawn to a device for pulling a plurality of cables, comprising a base and freely rotatable cable attachment devices, classified in class 294, subclass 132.
3. Attorney of Record, Antony P. Ng (Reg. No. 43,427) spoke with Examiner via telephone on September 8, 2005 at 4:39pm and elected claims 1-8 with traverse.
4. Claims 9-11 have been withdrawn from consideration, as being drawn to a non-elected invention.

Distinctness

5. The inventions are distinct, each from the other because:
 - c. Inventions of claims 1-8 and 9-11 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct

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from each other if they are shown to be separately usable. In the instant case, the invention involving the pulling of a plurality of cables has separate utility such as for minimizing the entanglement of cables while the cables are pulled.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

Claim Objections

7. Claims 7-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim (claim 6) cannot serve as a basis for any other multiple dependent claim (claim 7). See MPEP § 608.01(n). Accordingly, the claims 7-8 are not further treated on the merits.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 6 recites the limitation "the ceiling" in the first line of claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

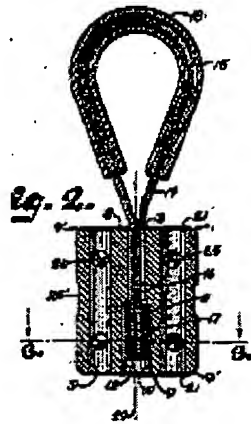
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ensley (US Patent No. 3,166,810).

Regarding claim 1, Ensley teaches of a cable gripping device that comprises of an elongated housing (7) for receiving a cable axially with the housing being configured to permit an end of the cable to leave and be received back by the housing, forming a loop. Also, the device includes a means for securing part of the cable via a crimping method when the cable is received back by the housing. (See below).



Regarding claim 2, Ensley teaches of a tubular housing (7) wherein the cable passes along a central bore (10) of the housing. Regarding claim 3, Ensley teaches an aperture (11) that opens to one side of the housing with the cable leaving said aperture. Regarding claim 4, Ensley teaches of a recess (13) on a side of the housing opposite the aperture opening, wherein the cable is received in said recess. Regarding claim 6/3 and 6/4, Ensley teaches of a slanted aperture that guides the cable out of the aperture.

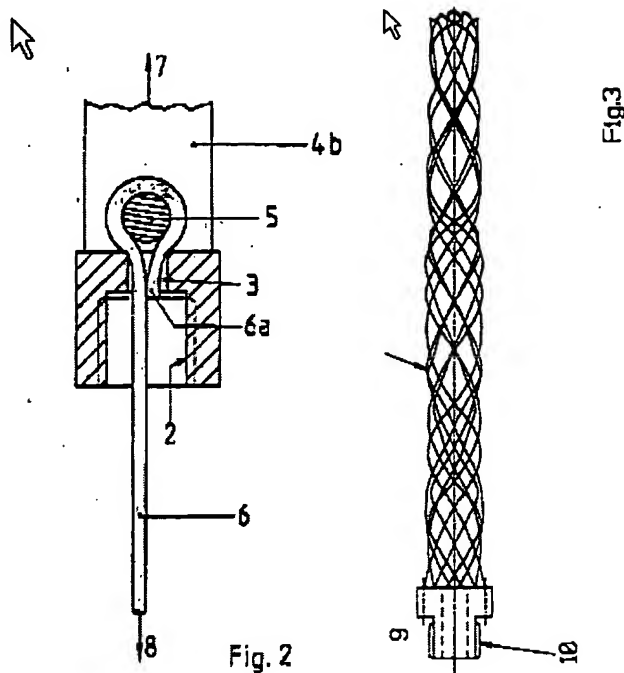
Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohle et al. (DE 42 03 093) in view of Archer (US Patent No. 4,162,095).

Bohle et al. teaches of a device for gripping and drawing a cable, comprising of an elongated tubular housing for receiving a cable (6) axially and where the cable leaves at an aperture below the device head (5) at one end of the housing and is received back on another side of the same aperture, forming a cable loop at the same end of the housing. Bohle et al. further teaches of a backup lock (9) that has an external thread (10) that can be threaded into an internal winding (2) within the housing in order to further secure. Additionally, Bohle et al. teaches that the cable passes through the housing along a central bore (3), entering at a recess on the side of the housing opposite the aperture opening and exiting at the aperture. Finally, Bohle teaches that the aperture is slanted at 90° with the top of the aperture, thus guiding the cable out through the aperture. However, Bohle et. al. fails to teach of an initial first locking device with a biasing member that temporarily holds the cable loop against the head. (See Fig. 2 and 3 below).



Archer teaches of a locking member (4) on a cable sling that biases the cable (2a) to the head (1) of the sling. (See Fig. 3 and col. 2, lines 59-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the teaching of a locking member involving a head and biasing means in the Bohle et al. patent in view of the Archer patent in order to further secure the cable within the cable installation device.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,058,574

US Patent No. 6,058,578

US Patent No. 4,368,910

US Patent No. 6,540,273

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US Patent No. 5,352,003

US Patent No. 4,878,269

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcus Menezes
Examiner
Art Unit 3677



ROBERT J. SANDY
PRIMARY EXAMINER